

**The City of Harrisburg  
Mayor Stephen R. Reed**

**OFFICE OF THE  
CITY SOLICITOR  
2002 ANNUAL REPORT**

**Judith B. Schimmel  
City Solicitor**

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Deputy City Solicitor**



## Office of the Mayor

### The City of Harrisburg

City Government Center  
10 North Market Square  
Harrisburg, PA 17101-1678

Stephen R. Reed

(717) 255-3040

Mayor

## **FOREWARD**

I am pleased to commend to your reading this comprehensive report for the year 2002, one of the most progressive years in the history of the City of Harrisburg since we were first incorporated as a municipality in 1791.

Harrisburg has come a long way from when it was listed in the first half of the 1980s as the second most distressed city in the United States. There remains a great deal more to be done, and this annual report is issued as a means to identify our progress through the activities, projects and operations of the City of Harrisburg. Such a report as this is issued for each department of city government under the Mayor's authority.

Every city employee and each city agency are integral to the success of Harrisburg. The work and achievements of the current era have written a new chapter in the Capital City's and region's history and, for this, every city employee can take pride and credit.

The City of Harrisburg's government is the most diverse municipal government in Central Pennsylvania. Our services and operations range from the traditional large municipal functions related to police, fire, public works, and parks and recreation to the more unique, such as water, sewer, trash collection, solid waste incineration, energy generation, recycling, economic development, areawide data processing systems, contracted sludge processing, codes enforcement and conducting major special events. Intertwined into all these functions are the administrative support functions related to risk management, legal, data processing, personnel, purchasing, billing, debt collection and financial management services. Everyone's role is important and everyone contributes to the overall success and functioning of this city.

This past year has considerably added to the overall positive performance of this government in achieving major public policy goals. For example:

- (1) The Part I crime rate, considered to be the index by which crime is measured in communities, has dropped over 54% since 1981 and the crime rate is now at a 30 year low;
- (2) The fire rate, meaning the number of fires per year, has dropped over 76% since 1982, and is now at its lowest level since citywide records have been kept;

- (3) The number of businesses on the city's taxrolls, counted at 1,908 by the end of 1981, is now 5,976, the highest number ever recorded;
- (4) The taxbase, assessed at \$212 million in 1982, is now over \$1.6 billion, the highest level ever recorded in city history;
- (5) During the period of 1995 through 2002, the City broke the record four times for the amount of new economic development investments, setting new record levels in city history; in the current era, over \$3.1 billion has been invested in Harrisburg, also a new record for any similar time period in city history, even when adjusting for inflation; the year 2002 was our highest year ever, with \$269.7 million in new investment;
- (6) The annual cost of living index consistently lists Harrisburg as being one of the most affordable communities in the midstate in which to own a home;
- (7) The City, in 2002, for the fifteenth consecutive year, won the nation's top national award for financial reporting and accounting and, additionally, for the twelfth consecutive year, won the nation's top national award for budgeting; of over 2,560 municipalities in Pennsylvania, only 2 have attained the same status;
- (8) The City, in 2002, for the fifteenth consecutive year, retained Tree City U.S.A. status, the highest community conservation award in the nation; and recently, City parks and recreation activities and programs garnered over 30 international, national and state awards; the city's Advanced Wastewater Treatment Plant won first place in Pennsylvania in statewide operational, maintenance and safety competition amongst other plants; the Harrisburg History Project, which includes the placement of pedestrian-level placards marking city historic sites, received the Historic Harrisburg Association's Preservation Award; the City's Melrose Gardens Housing Project received the prestigious Bellamy Award from the Pennsylvania Housing and Redevelopment Agencies' Association, their highest recognition;
- (9) The City and region were selected by the state Chamber of Business and Industry as Pennsylvania's Outstanding Community for the year 2002, marking the second time Harrisburg has won the state's most prestigious municipal honor. Harrisburg was also selected as Pennsylvania's Outstanding Community in 1990.
- (10) The City retained National Police Accreditation, the highest recognition for law enforcement in the nation; of over 21,000 police agencies, only 443 have attained the same status;
- (11) The City attained top national and state awards for its transportation infrastructure improvements, its energy conservation efforts, its historic rehabilitation projects and a myriad of other City pursuits, making the City of Harrisburg the most award-winning municipality in Pennsylvania; the city's Vehicle Maintenance Center and its Director received the top international award from the Association of Fleet Administrators for the city's innovative vehicle purchasing program, which cuts vehicle purchase costs by 10% to 15% and has thus far saved the city and its fellow participating municipalities over \$6 million in reduced vehicle purchase costs;
- (12) Harrisburg continued to be one of the leading cities in the country in the creation of alternative energy and revenue sources; thus far, in the current era, the City has generated over 15.3 billion pounds

of steam, co-generated over 903 million kilowatts of electrical energy, saved over 9.6 million cubic yards of landfill space and produced energy equivalent to over 870 million gallons of foreign oil;

(13) The City has fully or partially funded projects that have resulted in new construction or restoration of over 5,000 residential units, in the form of homes and apartments, making Harrisburg the largest residential developer in Central Pennsylvania;

(14) Additional upgrades have occurred in the Harrisburg Parks System, now the largest municipal parks system in the Midstate and the only municipal parks system to play a continuous regional role; the City has invested over \$68 million in parks and playgrounds since 1982;

(15) Attendance figures continue to show Harrisburg as a dynamic center for recreation, arts and entertainment, with over 2.3 million in attendance for the city's various free, regional special events. The Harrisburg Senators again surpassed the quarter million attendance mark with 283,661 fans in 2002, a new annual record, and are now well over the 3.75 million mark in total attendance, and the Harrisburg Heat have drawn more than 1.2 million fans during their tenure at the State Farm Show Complex.

(16) Citywide neighborhood recreational programs attracted their largest annual attendance ever, with 571,688 attendance in 2002, a 5% increase over 2001, and a dramatic 19% increase since 2000;

(17) The City continued in its Class 7 designation under the National Flood Insurance Program; only three other municipalities in the Nation have an identical or better designation; the classification is the result of the City's floodplain management and emergency management programs; Harrisburg is the only municipality in Pennsylvania to be upgraded in its classification, and in Harrisburg's case, was upgraded three times, giving City property owners a 15% reduction in the base premium for flood insurance;

(18) The City's Fire Bureau is one of 27 Federally-designated Urban Search and Rescue teams, one of the groups available for deployment anywhere in the U.S. for a major national disaster; further, the Commonwealth of Pennsylvania contracted the City to serve as administrator of Pennsylvania Task Force One, which involves resources from across and outside the state, to respond to such emergencies; the City of Harrisburg and the state Task Force were the first team deployed to the World Trade Center on September 11, 2001, in response to the worst terrorist attack in United States history;

(19) In conjunction with its operation of Task Force One, the City has constructed a new Special Operations Center that now serves as the headquarters and staging center for the Task Force and other specialized emergency operations.

(20) As a result of the success of the first Task Force, a second Intra-State Task Force, for response solely within Pennsylvania, has been created by the State. Additionally, the Water Rescue Strike Team One, a sophisticated new marine rescue unit capable of handling water-related emergencies anywhere in the State, is now operational. Harrisburg administers both of these recent additions to the Pennsylvania Emergency Management System.

(21) In the area of community services, Harrisburg continues to be the most engaged municipality in the region in matters of affordable housing and sheltering the displaced. As a result of joint effort by the City, County and human service providers, a second major grant—for \$1,088,000—was secured for both short-term shelters as well as intensive homelessness abatement and prevention.

(22) City coordination and support have resulted in over 225 city blocks being adopted under the Adopt-A-Block beautification program, and another two dozen vacant lots are similarly cared for under the Adopt-A-Lot program; 29 citizens have been trained as citizen codes inspectors to assist city Codes Enforcement Officers, and over 200 citizens have now graduated from the city's innovative Citizens Police Academy, the first of its kind in the midstate; more than 100 city blocks and neighborhoods are now covered by neighborhood crime watch groups;

(23) On a daily and continuous basis, City agencies and personnel performed thousands of services and tasks, for which neither recognition nor attention were provided, but all of which served to enhance the quality of life in Harrisburg with benefit to citizens, businesses and visitors.

(24) The Commonwealth of Pennsylvania has committed \$12 million to the planned new city university, Harrisburg Polytechnic Institute, and the Institute's Preparatory School and Business Incubator will soon open in a restored 83,000 sq. ft. former vacant site in the 200 block of Market Street. More than \$9 million in renovations are currently underway in the former YWCA site.

All should know and understand that American cities continue to face major challenges, frequently involving forces and factors over which a local government has no control. Our gains here have been the result of vision, struggle, persistence and arduous effort. The resurgence of Harrisburg in the current era has reversed previous decades of decline but we, too, are subjected to the unique burdens which the Nation and region place solely upon cities. It remains critically important that each of us rededicate ourselves to the furtherance of Harrisburg's best interests as we carry forth our respective roles and duties. The collective and individual efforts of Harrisburg's employees have made history. We owe it to the people we serve to build upon our present day progress by continuing our commitment to a constant, daily effort to be the best at what we have been hired to do for this City.

To the citizens and taxpayers of Harrisburg we dedicate this comprehensive annual report and our full measure of devotion in the days ahead.

A handwritten signature in black ink, reading "Stephen Reed". The signature is stylized with a large, looped "S" and a cursive "Reed".

Stephen R. Reed  
Mayor

ANNUAL REPORT  
OF THE LAW BUREAU  
OF THE CITY OF HARRISBURG  
2002

The City Solicitor and her staff perform a myriad of duties, encompassing all facets of trial practice including courtroom litigation, administrative hearings, grievance hearings, appellate argument, and minor criminal prosecutions. The Law Bureau drafts legislation, contracts and other agreements for the various City departments and reviews those generated by individuals and companies seeking to do business with the City. The Solicitor responds to requests for formal opinions from elected officials and department supervisors. The Law Bureau keeps a record of all tort claims filed against the City and litigation and administrative proceedings to which the City is a party. The City Solicitor or a designee attends all Legislative and Non-Legislative meetings of City Council as well as committee meetings upon request.

There were no personnel changes during the year. A chart of Law Bureau personnel is attached as Exhibit A to this report.

The following charts provide a breakdown of monthly activity:

**LITIGATION/CLAIMS**  
**2002**

		<b>DEC 01</b>	<b>JAN 02</b>	<b>FEB 02</b>	<b>MAR 02</b>	<b>APR 02</b>	<b>MAY 02</b>	<b>JUN 02</b>	<b>JUL 02</b>	<b>AUG 02</b>	<b>SEPT 02</b>	<b>OCT 02</b>	<b>NOV 02</b>	<b>DEC 02</b>	<b>TOTAL</b>	<b>% CHANGE</b>
<i>City Plaintiff</i>	<i>open</i>	<b>14</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>10</b>	<b>9</b>	<b>11</b>	<b>10</b>	<b>10</b>	<b>13</b>	<b>14</b>	<b>13</b>	<b>12</b>		<b>-14%</b>
	<i>new</i>		<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>12</b>	
	<i>closed</i>		<b>0</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>14</b>	
<i>City Plaintiff (Inactive)</i>	<i>open</i>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>		<b>-73%</b>
	<i>new</i>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	
	<i>closed</i>		<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	
<i>City Defendant</i>	<i>open</i>	<b>7</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>9</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>7</b>		<b>0%</b>
	<i>new</i>		<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	
	<i>closed</i>		<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>		<b>8</b>	
<i>City Defendant (Inactive)</i>	<i>open</i>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>		<b>-67%</b>
	<i>new</i>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<i>closed</i>		<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	
<i>Summary Prosecutions</i>	<i>open</i>	<b>13</b>	<b>13</b>	<b>14</b>	<b>11</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>9</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>9</b>	<b>10</b>		<b>-23%</b>
	<i>new</i>		<b>2</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>20</b>	
	<i>closed</i>		<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>23</b>	
<i>Tax Appeals</i>	<i>open</i>	<b>26</b>	<b>20</b>	<b>21</b>	<b>42</b>	<b>29</b>	<b>31</b>	<b>31</b>	<b>32</b>	<b>28</b>	<b>25</b>	<b>23</b>	<b>19</b>	<b>19</b>		<b>-46%</b>
	<i>new</i>		<b>0</b>	<b>1</b>	<b>21</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>35</b>	
	<i>closed</i>		<b>6</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>42</b>	
<i>Bankruptcy Litigation</i>	<i>open</i>	<b>15</b>	<b>14</b>	<b>16</b>	<b>17</b>	<b>16</b>	<b>17</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>16</b>	<b>18</b>	<b>20</b>	<b>17</b>		<b>13%</b>
	<i>new</i>		<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>17</b>	
	<i>closed</i>		<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>15</b>	
<i>Personnel Litigation City Representation</i>	<i>open</i>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>		<b>-67%</b>
	<i>new</i>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	
	<i>closed</i>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	
<i>Outside Counsel (Personnel)</i>	<i>open</i>	<b>12</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>8</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>10</b>		<b>-17%</b>
	<i>new</i>		<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6</b>	
	<i>closed</i>		<b>3</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	
<i>Outside Counsel (Other Matters)</i>	<i>open</i>	<b>34</b>	<b>35</b>	<b>33</b>	<b>32</b>	<b>33</b>	<b>33</b>	<b>34</b>	<b>33</b>	<b>27</b>	<b>28</b>	<b>27</b>	<b>28</b>	<b>29</b>		<b>-15%</b>
	<i>new</i>		<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>10</b>	
	<i>closed</i>		<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>15</b>	
<i>Subtotals</i>	<i>open</i>	<b>138</b>	<b>132</b>	<b>133</b>	<b>150</b>	<b>126</b>	<b>127</b>	<b>127</b>	<b>126</b>	<b>112</b>	<b>113</b>	<b>114</b>	<b>111</b>	<b>109</b>		<b>-21%</b>
	<i>new</i>		<b>7</b>	<b>7</b>	<b>24</b>	<b>6</b>	<b>9</b>	<b>10</b>	<b>9</b>	<b>7</b>	<b>12</b>	<b>6</b>	<b>10</b>	<b>3</b>	<b>110</b>	
	<i>closed</i>		<b>13</b>	<b>6</b>	<b>7</b>	<b>30</b>	<b>8</b>	<b>10</b>	<b>10</b>	<b>21</b>	<b>11</b>	<b>5</b>	<b>13</b>	<b>5</b>	<b>139</b>	

**MISCELLANEOUS MATTERS (OPINIONS, CONTRACTS, ETC.)**

**2002**

		<i>DEC 01</i>	<i>JAN 02</i>	<i>FEB 02</i>	<i>MAR 02</i>	<i>APR 02</i>	<i>MAY 02</i>	<i>JUN 02</i>	<i>JUL 02</i>	<i>AUG 02</i>	<i>SEPT 02</i>	<i>OCT 02</i>	<i>NOV 02</i>	<i>DEC 02</i>	<i>TOTAL</i>	<i>% CHANGE</i>
<b>Major Projects</b>	<i>open</i>	<b>6</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>4</b>		-33%
	<i>new</i>		0	0	1	0	0	0	0	0	0	0	0	1	2	
	<i>closed</i>		1	0	0	1	0	1	0	1	0	0	0	0	4	
<b>Legislation Bills</b>	<i>open</i>	<b>26</b>	<b>14</b>	<b>17</b>	<b>20</b>	<b>17</b>	<b>23</b>	<b>28</b>	<b>23</b>	<b>24</b>	<b>22</b>	<b>21</b>	<b>24</b>	<b>20</b>		-23%
	<i>new</i>		3	5	4	2	8	5	2	2	1	2	5	2	41	
	<i>closed</i>		15	2	1	5	2	0	7	1	3	3	2	6	47	
<b>Legislation Resolutions</b>	<i>open</i>	<b>17</b>	<b>33</b>	<b>25</b>	<b>27</b>	<b>23</b>	<b>21</b>	<b>18</b>	<b>21</b>	<b>18</b>	<b>19</b>	<b>17</b>	<b>17</b>	<b>10</b>		-41%
	<i>new</i>		25	4	6	9	8	3	12	1	3	1	2	1	75	
	<i>closed</i>		9	12	4	13	10	6	9	4	2	3	2	8	82	
<b>General Government</b>	<i>open</i>	<b>37</b>	<b>40</b>	<b>42</b>	<b>50</b>	<b>48</b>	<b>46</b>	<b>49</b>	<b>55</b>	<b>37</b>	<b>39</b>	<b>38</b>	<b>38</b>	<b>37</b>		0%
	<i>new</i>		8	6	11	4	10	5	9	5	10	3	3	5	79	
	<i>closed</i>		5	4	3	6	12	2	3	23	8	4	3	6	79	
<b>Administration</b>	<i>open</i>	<b>17</b>	<b>15</b>	<b>18</b>	<b>21</b>	<b>17</b>	<b>15</b>	<b>16</b>	<b>26</b>	<b>22</b>	<b>25</b>	<b>19</b>	<b>14</b>	<b>17</b>		0%
	<i>new</i>		2	3	3	0	1	1	10	3	3	4	4	3	37	
	<i>closed</i>		4	0	0	4	3	0	0	7	0	10	9	0	37	
<b>Non-Litigation Personnel Matters</b>	<i>open</i>	<b>11</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>9</b>	<b>8</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>10</b>	<b>8</b>	<b>10</b>		-9%
	<i>new</i>		0	0	1	1	0	0	2	1	1	1	0	2	9	
	<i>closed</i>		1	0	0	0	3	1	2	2	1	0	2	0	12	
<b>DBHD</b>	<i>open</i>	<b>23</b>	<b>28</b>	<b>30</b>	<b>31</b>	<b>27</b>	<b>28</b>	<b>37</b>	<b>36</b>	<b>23</b>	<b>25</b>	<b>21</b>	<b>19</b>	<b>16</b>		-30%
	<i>new</i>		6	4	4	2	3	9	3	1	2	0	3	2	39	
	<i>closed</i>		1	2	3	6	2	0	4	14	0	4	5	5	46	
<b>Parks &amp; Recreation</b>	<i>open</i>	<b>6</b>	<b>6</b>	<b>8</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>7</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>8</b>	<b>9</b>		50%
	<i>new</i>		0	2	1	0	1	2	1	0	1	1	3	1	13	
	<i>closed</i>		0	0	1	4	0	0	0	1	1	2	1	0	10	
<b>Public Safety</b>	<i>open</i>	<b>20</b>	<b>20</b>	<b>19</b>	<b>19</b>	<b>11</b>	<b>10</b>	<b>10</b>	<b>9</b>	<b>7</b>	<b>9</b>	<b>12</b>	<b>14</b>	<b>14</b>		-30%
	<i>new</i>		1	1	3	2	3	2	0	1	2	3	4	0	22	
	<i>closed</i>		1	2	3	10	4	2	1	3	0	0	2	0	28	
<b>Public Works</b>	<i>open</i>	<b>7</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>6</b>	<b>6</b>		-14%
	<i>new</i>		1	1	1	2	1	1	0	0	0	3	0	0	10	
	<i>closed</i>		0	0	1	3	2	0	0	3	0	0	2	0	11	
<b>SGF</b>	<i>open</i>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>		-67%
	<i>new</i>		0	0	0	0	0	0	0	0	0	1	0	0	1	
	<i>closed</i>		0	0	0	1	0	0	0	2	0	0	0	0	3	
<b>HRA</b>	<i>open</i>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		-100%
	<i>new</i>		0	0	0	0	0	0	0	0	0	0	0	0	0	
	<i>closed</i>		0	0	0	0	0	0	0	1	0	0	0	0	1	
<b>NCWM</b>	<i>open</i>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>		100%
	<i>new</i>		1	0	0	0	0	2	0	0	1	0	0	0	4	
	<i>closed</i>		0	0	0	0	0	0	0	3	0	0	0	0	3	
<b>Subtotals</b>	<i>open</i>	<b>174</b>	<b>185</b>	<b>189</b>	<b>208</b>	<b>177</b>	<b>174</b>	<b>192</b>	<b>205</b>	<b>156</b>	<b>165</b>	<b>158</b>	<b>154</b>	<b>146</b>		-16%
	<i>new</i>		47	26	35	22	35	30	39	14	24	19	24	17	332	
	<i>closed</i>		37	22	16	53	38	12	26	65	15	26	28	25	363	



# BANKRUPTCY

2002

	DEC 00	JAN 02	FEB 02	MAR 02	APR 02	MAY 02	JUN 02	JUL 02	AUG 02	SEPT 02	OCT 02	NOV 02	DEC 02	TOTAL	% CHANGE
<b>Bankruptcy</b> <i>open</i>	505	503	513	509	518	525	533	536	545	553	546	338	352		-30%
<i>(includes reinstated)</i> <b>new</b>		8	22	8	20	20	11	19	26	17	10	22	21	204	*
<b>closed</b>		10	12	12	11	13	3	16	17	9	17	230	6	356	
<b>New Notices Received</b>	0	8	21	8	20	19	11	19	26	16	10	22	20		
<b>Reinstated</b>	0	0	1	0	0	1	0	0	2	1	0	0	1		
<b>Dismissals</b>	0	5	2	8	5	5	3	5	11	3	4	10	2		
<b>Discharges</b>	0	5	10	4	6	8	0	11	6	6	13	230	4		
<b>Proofs of Claim</b>	0	12	24	17	15	17	14	10	13	28	2	18	14		
<b>Objections</b>	0	0	0	0	0	0	2	0	1	2	0	2	0		
<b>Motions to Lift Auto Stay</b>	0	0	0	0	0	1	0	0	0	0	0	0	0		
<b>Pro Tanto</b>	0	0	0	4	5	0	4	8	0	0	0	5	2		
<b>6 Month</b> <i>open</i>	20	21	21	22	22	23	23	23	26	28	30	30	29		45%
<i>Notices of Claim</i> <b>new</b>		2	0	1	0	2	0	3	3	4	4	2	0	21	
<b>closed</b>		1	0	0	0	1	0	3	0	2	2	2	1	12	

# ONGOING ADMINISTRATIVE/LEGAL

## LAW BUREAU

2002

	DEC 01	JAN 02	FEB 02	MAR 02	APR 02	MAY 02	JUN 02	JUL 02	AUG 02	SEPT 02	OCT 02	NOV 02	DEC 02	TOTAL	% CHANGE
<b>Mortgages - Sats.</b>	0	0	0	0	2	1	0	1	4	0	0	0	0		
<b>Mortgages - Filed</b>	0	0	2	0	3	4	3	5	5	0	2	2	2		
<b>Judgment Sats.</b>	0	1	13	0	2	0	0	1	0	2	0	0	0		
<b>Deeds</b>	0	0	3	0	4	1	3	1	0	14	1	0	0		
<b>Dissolutions</b>	0	3	0	0	0	0	0	0	1	2	0	0	0		
<b>Contracts</b>	0	8	2	6	3	0	11	3	1	21	0	7	12		
<b>Municipal Fire Certificates</b>	0	2	2	0	2	1	0	1	1	4	2	1	2		
<b>Specs</b>	0	0	3	1	0	1	4	3	12	0	0	1	1		
<b>Subpoenas</b>	0	8	8	7	3	12	7	4	0	10	2	2	11		
<b>Litigation/Claims Reports</b>	0	2	2	2	2	2	2	2	2	2	2	2	2		
<b>Internal Law Bureau</b>	0	4	0	2	3	2	4	1	1	3	4	1	1		
<b>New Cases Sent to Insurance</b>	0	0	1	0	1	2	1	0	1	1	0	2	2		

## **I. LITIGATION**

As of December 31, 2002, there were 109 open litigation matters, 21% less than the previous year. Of these, 39 are the responsibility of outside counsel under the supervision of the Solicitor. One hundred and ten new legal actions were commenced, while 139 were closed. Once again, the matters closed exceeded the number of new matters. It is noteworthy that the number of cases handled by outside counsel, i.e., those asking for monetary damages that are covered by insurance, decreased by 15%. A decrease in the number of litigation matters handled by the Law Bureau was experienced in every area except bankruptcies.

A case assigned to outside counsel does not relieve the Law Bureau of responsibility. The Solicitor must review and approve all pleadings and briefs as well as coordinate all responses to discovery requests. Outside counsel use the Law Bureau to arrange and confirm the appearance of City employees for discussion, discovery and trial. The Solicitor must approve any settlement negotiations.

In 2002 the Law Bureau and the Bureau of Codes Administration filed twenty Summary Prosecutions to enforce City Building Codes. Among the more time consuming and/or significant codes cases were the following:

1. Commonwealth v. Epps - Appeal of conviction on two citations for trash, weeds and failure to comply with condemnation order for property located at 125 Balm Street. A plea agreement was reached prior to the hearing

scheduled for September 19, 2002. Epps pleaded no contest to both citations and fines. He was ordered to seal the property and remove a severely deteriorated porch within one week, get a structural analysis, pull permits within one month and complete rehabilitation within nine months. Work was done on the porch within a week. On October 18, 2002, a letter was sent stating that the month has expired and no further action taken. Contempt charges were threatened. Epps hand delivered the structural analysis November 22, 2002. He was instructed to pull permits and begin work by the end of the year.

2. Commonwealth v. Simmons - Appeal of summary conviction and \$1,000 fine for failure to allow Codes Officer entry to 233 Verbeke Street for inspection based upon complaint of adjoining property owner. Simmons allowed entry following District Justice hearing and was issued a Notice of Violations. Simmons appealed to the Building and Housing Code Board of Appeals. On July 20, 2002, Simmons stated he had a contractor, who was also a prospective buyer, look at the property. The appeal hearing was continued to give him time to either sell the property or have it repaired. On August 26, 2002, Simmons said he found a buyer. Codes received copy of a deed September 9, 2002. Simmons agreed to plead no contest and have fine reduced. A plea agreement was drafted, filed and signed by Judge Lewis on September 16, 2002.

3. Commonwealth v. King - Appeal from summary conviction for failure to comply with condemnation order at 1441 Regina Street. Since King is in bankruptcy the City agreed she would plead “no contest” to the citation and be fined \$300. The fine was suspended for 120 days to permit Ms. King to obtain financing and begin demolition. Judge Clark approved the plea agreement. As of April 5, 2002, the roof had been torn off and Ms. King’s telephone had been disconnected. The City filed a Contempt Petition on August 7, 2002 . On August 12, 2002 Judge Clark issued a Rule to Show Cause, which was answered on September 4, 2002. As of September 13, 2002, property was demolished but the debris was not cleared. On October 7, 2002 Judge Clark scheduled a hearing on the Contempt Petition. As of October 21, 2002, the debris was cleared, property was backfilled and a party wall was built. On October 22, 2002 the Contempt Petition was withdrawn.
  
4. Commonwealth v. Nguyen - Appeal from summary convictions for lead-based paint violation. Nguyen was cooperative and had all lead surfaces painted over but the property was too dirty to reinspect to determine whether lead hazard was abated. Notwithstanding her cooperation, the District Justice found her guilty and fined her \$1,000. Before the hearing it was agreed that Nguyen would plead guilty to a \$100 fine and the City would give her 60 days to prepare property for reinspection or the City would reissue a citation. The property was listed for sale, and a sales

agreement was entered into on August 16, 2002. The purchaser has worked on the property to get rid of the lead-based paint.

5. Commonwealth v. Long - The new owner of 47 South 14th Street was issued new condemnation order July 1, 2002, which was amended July 8, 2002. A hearing was held, and the Board of Housing and Building Appeals requested a more detailed condemnation order. On August 29, 2002, the property was reinspected, and it was found that the buildings might be salvageable. Therefore, it was decided to reissue the condemnation order with new requirements to repair and/or demolish.
6. Commonwealth v. Aragain Realty Company - Appeal of summary conviction for failure to comply with condemnation order at 612 Kelker Street. There were 4 guilty verdicts and \$1,000 fines appealed and 5 more citations issued and pending before District Justice Solomon with scheduled hearing on June 13, 2002. A settlement was reached whereby defendant pled guilty to a \$50 fine on each citation before Solomon. He will plead guilty to \$1,000 fine on 2 citations before County Court and 2 will be withdrawn. This agreement was entered into because the property was sold at the judicial tax sale on June 6, 2002.
7. Commonwealth v. Masterson - Appeal from conviction for housing code violations at the property located at 3453 Brook Street. Defendant failed to

appear for the hearing at the Dauphin County Court of Common Pleas, and an order was entered requiring defendant to demolish the property within 60 days. Judge Cherry granted defendant's motion to re-open the original appeal. A Conference was held in the Judge's Chambers, and defendant plead no contest. Defendant accepted a \$300 fine and was given 90 days to make the property structurally sound. All structural work was completed by November 2001, and Defendant was given 180 additional days to make the property habitable. The Bureau of Codes Administration monitored the property. On August 16, 2002 Codes inspected the property. It was not occupied, and there were a few minor issues with the exterior. Codes reminded Masterson of the Court Order and told him to remedy the exterior issues.

8. Commonwealth v. Semancik - Summary appeal from conviction for housing code violations at 105 South Summit Street. Defendant did not appear for a scheduled hearing, but Judge Evans nevertheless issued an order to bring the property into compliance with the City's Codes. All violations were not addressed, so a Contempt Petition was filed in the Dauphin County Court of Common Pleas. Semancik constructed buttresses in the basement and finished weather sealing the property before an April 8, 2002 hearing. Therefore the City withdrew the Contempt Petition due to completion of work on the property.

9. Commonwealth v. Brown - A hearing for codes violations was held on property located at 1225 Market Street. A plea agreement was offered giving Brown 6 months to bring the property in compliance with Codes or pay a \$1,000 fine. Since no permits were pulled and no work done, Brown was notified a Contempt Petition would be filed and additional citations issued. A Contempt Petition was filed and hearing scheduled for March 26, 2002. Brown did not show for the hearing. After the hearing, he showed up at his Attorney's Office. He agreed to go to the property with an inspector from Codes and begin work on the exterior of the property. On April 27, 2002, the Contempt Petition was withdrawn because of Brown's cooperation. Brown entered into a sales agreement with a buyer who will rehabilitate the property. Codes granted a letter of assurance, for a 60 day period, that it would not enforce the demolition part of the condemnation order so that rehabilitation may begin.

Staff attorneys also attended 35 hearings involving the assessed value or taxability of City real estate before the Dauphin County Board of Assessment Appeals. This is a decrease of 46% in the number of tax appeals filed by City property owners from the previous year.

## **II. BANKRUPTCIES**

The City ended 2002 with 352 open bankruptcy cases, 153 less than in 2001. 356 cases were closed, and the number of new cases increased by 204. 184 Proofs of Claim were filed on behalf of the City. Nevertheless, the statistics set forth in the bankruptcy

chart do not begin to indicate the amount of work that is involved in processing the notices received to a successful conclusion, particularly obtaining accurate proofs of claim figures from the various departments, offices and bureaus of the City. In December 2002, the Law Bureau revised the bankruptcy procedure utilizing federal computer system (PACER). This system will more rapidly and comprehensively secure monies owed in utilities and taxes without relying on debtor's counsel.

The chart on the next page documents activity for each month:



# BANKRUPTCY

2002

	DEC 00	JAN 02	FEB 02	MAR 02	APR 02	MAY 02	JUN 02	JUL 02	AUG 02	SEPT 02	OCT 02	NOV 02	DEC 02	TOTAL	% CHANGE
<b>Bankruptcy</b> <i>open</i>	505	503	513	509	518	525	533	536	545	553	546	338	352		-30%
<i>(includes reinstated)</i> <b>new</b>		8	22	8	20	20	11	19	26	17	10	22	21	204	*
<b>closed</b>		10	12	12	11	13	3	16	17	9	17	230	6	356	
<b>New</b> <i>Notices Received</i>	0	8	21	8	20	19	11	19	26	16	10	22	20		
<b>Reinstated</b>	0	0	1	0	0	1	0	0	2	1	0	0	1		
<b>Dismissals</b>	0	5	2	8	5	5	3	5	11	3	4	10	2		
<b>Discharges</b>	0	5	10	4	6	8	0	11	6	6	13	230	4		
<b>Proofs of Claim</b>	0	12	24	17	15	17	14	10	13	28	2	18	14		
<b>Objections</b>	0	0	0	0	0	0	2	0	1	2	0	2	0		
<b>Motions to Lift Auto Stay</b>	0	0	0	0	0	1	0	0	0	0	0	0	0		
<b>Pro Tanto</b>	0	0	0	4	5	0	4	8	0	0	0	5	2		
<b>6 Month</b> <i>open</i>	20	21	21	22	22	23	23	23	26	28	30	30	29		45%
<i>Notices of Claim</i> <b>new</b>		2	0	1	0	2	0	3	3	4	4	2	0	21	
<b>closed</b>		1	0	0	0	1	0	3	0	2	2	2	1	12	

### **III. MAJOR PROJECTS**

The Law Bureau played a significant role in several major projects, which were either undertaken or continued in 2002:

1.     The Susquehanna Area Regional Airport Authority - In the year 2002 the Solicitor continued to serve on the Authority Board and on the Executive Board. She took an active role in the airports' operations, economic development matters and human resource issues.
  
2.     AT&T/Comcast - Assignment of franchise agreement between City and AT&T in light of AT&T/Comcast merger caused the City to review Comcast's performance. The request for approval of the assignment was received by City Clerk on March 5, 2002. Law Bureau staff participated in a nation-wide conference call regarding the merger on March 18, 2002. As a result of the efforts of the Law Bureau and outside special counsel, the original agreement was honored; the City received video equipment and other promised amenities.
  
3.     Capitol Heights - The City developed two plans to assist new home buyers in this development. The City contracted with Fannie Mae to borrow funds to loan to home buyers for closing costs and down payments. The City also entered into a lease with the developer to rent lots from the City instead of purchasing them.

#### **IV. LEGISLATION**

In the year 2002, the Law Bureau drafted 41 bills and 75 resolutions for City Council's consideration. Of these and the ones remaining from 2001, City Council enacted 34 ordinances and 99 resolutions. Any legislation introduced but not passed prior to the end of 2002 did not expire at that time but will be eligible for consideration in 2003. Of the 34 ordinances passed in 2002, nine ordinances authorized changes to the Traffic Control Map.

Among significant ordinances passed by Council:

1. An Ordinance of the City of Harrisburg, Dauphin County, Commonwealth of Pennsylvania, electing to consolidate the City of Harrisburg Fire Pension Plan A and the City of Harrisburg Fire Pension Plan B into the City of Harrisburg Firefighters' Pension Plan; agreeing to be bound by all provisions of Article IV of the Pennsylvania Municipal Retirement Law, as amended, and as applicable to member municipalities changing benefits under the provision of this article and stating which of certain options permitted under the said law are accepted by the City.
2. An Ordinance amending Chapter 3-133 of the Codified Ordinances of the City of Harrisburg, altering the required location of parking meters in relation to the parking spaces and the required positioning of vehicles within the parking spaces.
3. An Ordinance amending Chapter 2-711 of the Codified Ordinances of the City of Harrisburg to provide for residency within the corporate limits of the City for certain employees of the City.

## **V. DOCUMENT DRAFTING AND REVIEW**

The Law Bureau drafted or reviewed 25 agreements for form and legality. Among the more significant were the following:

1. Agreement between the City of Harrisburg & Heiss, Gibbons & Company  
- Unemployment Compensation Agreement.
2. Agreement between the City of Harrisburg & Dauphin County  
Commissioners. Closure of River Street between Market and Blackberry  
Streets for a Public Plaza between the County Courthouse and the County  
Administration Building.
3. Cooperative Land Grant Agreement between the City of Harrisburg &  
Harrisburg Realty Improvement Corporation which provides housing and  
activities for international students and interns.
4. Agreement for Commission of Public Art Work (Mural Project) between  
Public Arts Advisory Board and the City of Harrisburg's Department of  
Parks & Recreation.
5. Consent Order and Agreement between the City of Harrisburg and the  
Department of Environmental Protection (DEP) for Resource Recovery  
Facility.
6. Lease Agreement (space for equipment) between the Harrisburg Fire  
Bureau Task Force 1 and Univar USA, Inc. - Pennsylvania Urban Search  
and Rescue Task Force.
7. Agreement between Dauphin County and the City of Harrisburg for the  
new Dauphin County 450 MHz Trunked Communications Systems.

## **VI. ONGOING ACTIVITIES**

The following day-to-day tasks consumed a great deal of Law Bureau staff time:

1. Preparation and filing of 28 mortgages and 8 mortgage satisfactions for the Department of Building and Housing Development.
2. Preparation of 27 deeds.
3. Preparation of monthly, semi-annual and annual litigation status reports for risk management, insurance, police accreditation and auditing purposes. This includes all claims filed with the Pennsylvania Human Relations Commission, the Harrisburg Human Relations Commission and the Equal Employment Opportunity Commission.
4. Notification to appropriate insurance carriers of 21 6-month notices of claim and 11 new lawsuits filed against the City and maintenance of records of all matters pertaining thereto, including all cases assigned to outside counsel by the City's insurer.
5. Provision of 332 new non-litigation services, such as opinions, contract drafting and review, etc., to City departments and offices and City Council.

## **VII. TECHNOLOGICAL ADVANCES**

All staff members of the Law Bureau now have personal computers with Internet capability which enable them to retrieve information without leaving the office, thus improving productivity.

## VIII. BUDGET

All of the above was accomplished at a cost of \$377,313.19 to the General Fund,  
\$9,725.81 less than that appropriated for the office, broken down as follows:

<b><u>Budget Category</u></b>		<b><u>Total</u></b>
Personnel		\$328,822.14
Salaries	\$270,690.57	
Fringe Benefits	\$58,131.57	
Operating Expenses		\$38,497.05
Communications	\$711.30	
Professional Fees	\$33,502.26	
Maintenance Contracts	\$313.00	
Contracted Services	\$3,451.00	
(Includes tuition for CLE)		
Supplies and expenses	\$10,513.19	
(Includes treatise updates and Lexis-Nexis)		
Capital Outlay		<u>\$0.00</u>
		\$377,313.19

The hourly cost for four attorneys is \$45.68 when all expenditures are attributed to the Law Bureau. However, if the amount paid to outside counsel and to appraisers in tax appeal hearings conducted by the County are removed from the total, the hourly cost per attorney is \$42.48. Even the higher figure is less than half the amount charged by attorneys in private practice, although 2002 saw an increase in staff attorney salaries in order to make the positions more competitive with those in private practice and thus reduce turnover. Thus far, that approach has been successful.

## **IX. CONCLUSION**

The groundwork laid by the Law Bureau to educate the various departments regarding potential litigation has been largely successful, as reflected by the reduction in legal matters in which staff are involved. The issues now coming to the Law Bureau's attention are far more serious in nature and require substantially more staff time to resolve. While certain matters must still be referred to outside counsel (e.g., bond issues, since staff are not eligible for inclusion in the Red Book), staff have assumed more responsibility for matters previously referred outside.

The new bankruptcy claim procedure is evidence that communication among and between the various departments reduces everyone's workload. Hopefully, similar systems can be developed with other areas of City government to bring about further streamlining of procedures.

Respectfully submitted,  
Judith B. Schimmel  
City Solicitor

# LAW BUREAU PERSONNEL

